

REMARKS

1. Claims 1-11 are pending and stand rejected. This communication amends claims 1, 2 and 7-11 and cancels claim 6.

Reconsideration of this application is respectfully requested.

2. Claims 1-11 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite because claims 1 and 8 recite: 1) “first memory” and “second auxiliary memory,” and 2) “the second auxiliary memory is distinct and separate from the first memory.”

In response, claims 1, 2 and 7-11 have been amended to delete the references to “first” and “second.” In addition, claims 1 and 8 have been amended to recite “the auxiliary memory is at least functionally distinct from the memory.” Support for this amendment can be found in the specification, for example, on page 15, lines 6-11.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

3. Claims 1-11 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,867,655 to DeRoo *et al.* (DeRoo).

Independent claim 1 now recites: “executing an access control algorithm contained in an auxiliary memory...the auxiliary memory is at least functionally distinct from the memory in that the memory is for containing embarked programs of a desired application and the auxiliary memory is not for containing the embarked programs of the desired application.” Independent claim 8 now recites: “an auxiliary memory containing at least one sub-program for accessing the

content of the memory...said auxiliary memory is at least functionally distinct from the memory in that the memory is for containing embarked programs of a desired application and the auxiliary memory is not for containing the embarked programs of the desired application.”

Support for these amendments can be found in the specification, for example, on page 15, lines 6-11.

DeRoo does not expressly or inherently describe the subject matter of claims 1 and 8, as DeRoo does not in any way describe a memory for containing embarked programs of a desired application, and an auxiliary memory which: 1) contains an algorithm (claim 1) or a sub-program (claim 8) for accessing the content of the memory and 2) is at least functionally distinct from the memory in that it is not for containing the embarked programs, as currently required in claims 1 and 8. Accordingly, claims 1 and 8 are allowable over DeRoo.

Claims 2-5, 7 and claims 9-11 respectively depend from claims 1 and 8, and thus contain all the features of claims 1 and 8, which are not describe in DeRoo. For at least this reason, claims 2-5, 7 and 9-11 are also allowable over DeRoo.

In view of the foregoing, withdrawal of this rejection is respectfully requested.

4. Favorable reconsideration of this application is respectfully requested as it is believed that all outstanding issues have been addressed herein and, further, that claims 1-5 and 7-11 are in condition for allowance. Should there be any questions or matters whose resolution may be advanced by a telephone call, the examiner is cordially invited to contact applicants' undersigned attorney at his number listed below.

5. The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR 1.16 and any patent application processing fees under 37 CFR 1.17,

Serial Number 10/000,143
Attorney Docket No.: Barret-1

which are associated with this communication, or credit any overpayment to Deposit Account
No. 50-2061.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'PAS', is written over the typed name.

Paul A. Schwarz
Registration No. 37,577

Duane Morris LLP
P.O. Box 5203
Princeton, NJ 08543-5203
609-631-2446– Tel
609-631-2401 – Fax